

SELF-SERVICE CENTER

INSTRUCTIONS FOR HOW TO RESPOND TO PAPERS FOR CUSTODY and/or PARENTING TIME ("VISITATION") (with or without child support)

WHEN TO USE THIS FORM:

Use this form if you want to respond to a court petition about establishing custody and parenting time with or without child support. **YOU CANNOT USE THIS FORM TO ESTABLISH PATERNITY.**

If the other party wants a court order for child custody and parenting time, the court will also review the current child support order. If there is no order, the court will establish child support in this case or, if the child support order needs to be changed, the court will do so in this case.

IMPORTANT INFORMATION ABOUT WHEN YOU MUST FILE YOUR RESPONSE

- **LOOK AT THE TIMETABLE BELOW.** If the last day to respond falls on a Saturday, Sunday, or legal holiday, you **DO NOT** count that day.
- **INCLUDE WEEKENDS AND HOLIDAYS IN YOUR COUNT** -- until you reach the number of days in the Timetable below. If a written response is filed with the court on time, the Petitioner **CANNOT PROCEED BY DEFAULT.**

DEFAULT TIMETABLE

SERVICE BY

COUNT

EVENT

Acceptance	20 Days	after respondent signed the Acceptance
Acceptance out-of-state	30 Days	after respondent signed the Acceptance
Process Server	20 Days	after respondent received papers from Server
Sheriff in Arizona	20 Days	after respondent received papers from Sheriff
Sheriff out-of-state	30 Days	after respondent received papers from Sheriff
Registered Mail	30 Days	after respondent signed the green receipt
Publication	60 Days	after the 1st date of publication

IMPORTANT NOTICE ABOUT WHEN A PARTY CAN BRING A CHILD CUSTODY CASE IN THE SUPERIOR COURT IN ARIZONA:

Generally a party must have resided in Arizona with the children for at least 6 months, or Arizona must be the children's primary place of residence before filing a child custody complaint. If you have questions regarding this requirement, see a lawyer before filing.

IMPORTANT NOTICE ABOUT WHEN YOU CAN BE SUED AS A DEFENDANT/RESPONDENT IN ARIZONA FOR PATERNITY OR CHILD SUPPORT:

A defendant/respondent can be sued in Arizona on a case about establishing, enforcing, or changing a support order, or establishing paternity, if **ONE** of the following is true about the defendant/respondent:

- The person is a resident of Arizona;
- The person was personally served in Arizona (See packet on service to know about this.);
- The person agrees to have the case heard here and files written papers in the court case;
- The person lived with the child in this state at some time;
- The person lived in this state and provided pre-birth expenses or support for the child;
- The child lives in this state as a result of the acts or directions of the person;

- The person had sexual intercourse in this state as a result of which the child may have been conceived;
- The person signed a birth certificate that is filed in this state;
- The person did any other acts that substantially connect the person with this state (see a lawyer to help you determine this).

WARNING: Jurisdiction over the defendant/respondent is very serious. If you have any doubts about whether it was proper for the plaintiff OR petitioner to sue you in Arizona, you should see a lawyer **IMMEDIATELY**, and **BEFORE** you file any written response, answer or other court paper.

IMPORTANT NOTICE TO VICTIMS OF DOMESTIC VIOLENCE:

Unfortunately, domestic violence can be part of any relationship. Domestic violence can include physical violence directed against you or your children such as hitting, slapping, pushing, or kicking. Domestic violence can also include threats of physical violence made against you and your children, or regular verbal abuse used to control you. The person who hurts you does **NOT** need to have been convicted of domestic violence or assault for you to be a domestic violence victim, and you do not need to have sought medical care or been admitted to a hospital to be a victim.

All court documents will request your address and phone number. If you are a victim of domestic violence, are in a domestic violence shelter, or if you do not want your address known to protect yourself or your children from further violence, you must file for an order of protection first and ask that your address not be disclosed on court papers. With that order, you do not need to put your address and phone number on your court papers. Update the clerk of the court with an address and phone number as soon as possible so that the Court can get in touch with you.

INFORMATION ABOUT PAPERS YOU SHOULD HAVE RECEIVED FROM THE OTHER PARTY WITH THE PETITION ABOUT CHILD CUSTODY AND PARENTING TIME:

SUMMONS: You have been summoned to appear in court. The summons tells you how many calendar days you have to file a response, depending on how you were served with the court papers. Be sure to file a **WRITTEN RESPONSE** on time. If the time for you to file a **WRITTEN RESPONSE** has passed, the other party must complete an **Application and Affidavit for Entry of Default** and send you a copy. Then you have 10 more days in which to file your **WRITTEN RESPONSE**. If you do not file a **WRITTEN RESPONSE ON TIME** a default judgment can be entered.

PETITION FOR CHILD CUSTODY, CHILD PARENTING TIME, AND CHILD SUPPORT: This is the form the other party completed to tell the court his/her side of the story about the children, pregnancy, child support, child parenting time, and child custody. **Read each and every word very carefully**, and decide what you want to do. Here are your choices:

1. **Do nothing.** This means the other party can get a court order and tell the judge his/her side of the story, without you telling your side at all. **This is called a default.** Even in these cases, the judge will try to decide what is best, but it is never a good idea to ignore the court proceeding and have a court order that you had no input on. See a lawyer for help before you choose this option.
2. **Decide with the other party** how you want to handle everything about the children, pregnancy, child support, child parenting time, and child custody. Then you and the other party file papers in the court stating your agreement on everything. This is called a **Consent or Stipulation**. Mediators can help you with this, and the Self-Service Center has a list of mediators, and how much they charge to help you.
3. **Disagree** with what the other party said in the Petition, and to file a response stating your side of the story, and how you want to handle everything. **This is called a contested matter.** But, even if you originally file a response, you and the other party can decide to agree on something, or everything, and file court papers for a **Consent or Stipulation**. Mediators can help you with this, and the Self-Service Center has a list of mediators, and how much they charge to help you. If you file a response and do not settle everything with the other party, you must be sure to file the court papers you will need to set the case for trial.

HELP ON COMPLETING YOUR WRITTEN RESPONSE TO THE PETITION TO ESTABLISH CHILD CUSTODY, PARENTING TIME AND CHILD SUPPORT:

Use this form if you want to **RESPOND OR ANSWER** a Petition to establish custody, parenting time and /or child support.

- A. Make sure your form states **RESPONSE TO PETITION FOR CHILD CUSTODY, PARENTING TIME AND CHILD SUPPORT, OR CUSTODY AND PARENTING TIME** in the upper right hand part of the page.
- B. In the top left corner of the first page, fill out the following: YOUR name; address (if not protected); city, state and zip code; telephone number; and your ATLAS number, if you are receiving or have received AFDC from the Arizona Department of Economic Security.
- C. Fill in the name of "Petitioner" and "Respondent" exactly the same way as it looks on the Petition. Do that for every document you ever file with the court from now on in this case.
- D. Use the DR case number that is stamped in the upper right-hand corner of the Petition. Do that for every document you ever file with the court from now on in this case.

GENERAL INFORMATION:

1. Fill in the name, address and date of birth for the petitioner. This is basic information about the relationship to the children for whom the person wants the custody and/or parenting time order.
2. Fill in the information about you.
3. Fill in information about all the children for whom you want custody/parenting time. The same persons should be the mother and the father for all the children for whom you want this order. If you think the children have different fathers or mothers, say so and the Petitioner will have to file a separate lawsuit.

STATEMENTS ABOUT PATERNITY AND CHILD SUPPORT

4. **How was paternity established in your case?** Check the box that describes how paternity was established. If none of these apply, or if only the last box applies (indicating the parties were married when the child(ren) was/were born, conceived or adopted, **STOP!** Do not proceed with these forms unless advised to do so by an attorney. Paternity must already be established to use these forms; if the parties were married, custody and visitation can generally only be decided as part of an action for divorce or separation.
5. **What is your current situation as to child support?** Check the box that describes your case.

ORDER DOES NOT NEED TO BE CHANGED: Check here if you think that the child support order you have does not need to be changed because of the custody order you want. **WARNING: The judge can decide whether to change the child support order even if you do not want this.**

ORDER NEEDS TO BE CHANGED: Check here if the child support order you have needs to be changed.

NO CHILD SUPPORT ORDER: If you have a paternity order only, without a child support order, the judge will make an order on the issues of custody, parenting time, and child support.

6. **STATE HERE WHAT YOU SAY ABOUT PATERNITY OR SUPPORT THAT IS DIFFERENT FROM WHAT THE PETITIONER ASKED FOR.** This is because the form of petition the other party used might not be from the Self-Service Center, and so it might be arranged a little differently than this form of response.

OTHER INFORMATION ABOUT THE CHILDREN: If you are aware of court cases about the children, you need to tell the court. Attach a copy of the orders about custody, parenting time, or child support to the petition, unless the orders are from the Superior Court in Maricopa County.

7. Fill out where the children from this action have been living **for the past 5 years**; if any children are under age 5, simply put information since their birth. Write each child's name; the address where the child lived; what dates the child lived at each address; who the child lived with; and the relationship of that person to the child. While you may not remember exact dates when you moved from one location to another, fill this information out as completely as possible.
8. You must tell the Court if you participated as a party or witness in any court case involving custody or parenting time of the child(ren). If not, mark the first box and **GO ON**. If there is another case, mark the second box and give as much information as possible. This information could affect you or your children's rights in this case.
9. The Court **MUST** know if there have been other cases involving custody, parenting time or child support of the children, even if you were not a party. If there are no other custody or parenting time cases, or you don't know of any, mark the first box and **GO ON**. If you have been involved in any way with this type of Court case, mark the second box and give the information where requested. Tell the Court what happened and what is going on now in the other case(s).
10. If you do not know of another person **OTHER THAN THE OPPOSING PARTY** who has physical custody of the child(ren) or is claiming custody or parenting time rights to any of the children, mark the first box and **GO ON**. If you do know of such a person, put the information here, including the child's name and the person who believes they have a custody or parenting time claim. If there is such a person, you must include the person as a respondent in this court case.
11. Since you are responding to what the other party asked for in the petition, you should now summarize for the judge how what you say ABOUT THE CHILDREN is different than what the other party said. This is because the form of complaint the other party used might not be from the Self-Service Center, and it might be arranged differently than this form of response.

OTHER STATEMENTS TO THE COURT:

12. **OTHER EXPENSES:** This asks for a fair division of all expenses about the children.
13. **DOMESTIC VIOLENCE:** This tells the Court if there was domestic violence in the relationship, and relates to a request for joint custody, if you intend to ask for joint custody. If you are not sure what this means, see the **IMPORTANT NOTICE TO VICTIMS OF DOMESTIC VIOLENCE** on the first page of these instructions. Mark the box corresponding to your situation.
14. **GENERAL DENIAL:** This tells the Court that, even if you did not answer each and everything said in the complaint, you deny what you did not address. This is extra protection for you.

REQUESTS MADE TO THE COURT FOR CUSTODY, PARENTING TIME, CHILD SUPPORT.

This section of the Complaint/Petition formally requests that the Court make Orders relating to issues such as custody, parenting time and/or support.

1. CUSTODY OF CHILDREN AND PARENTING TIME

- A. **JOINT CUSTODY:** If you are asking for joint custody, you must file a Joint Custody Agreement that is signed by both parents and approved by the court.
- B. **SOLE CUSTODY:** If you want sole custody, check the boxes that apply, including the parenting time you are asking for. Tell the court whether you want custody of the children to go to you or the other party.

PARENTING TIME: Mark one box only. You can ask that the non-custodial parent (the parent having physical custody of the child less than 50% of the time) have one of the following types of parenting time:

1. **Reasonable Parenting time.** This suggests an amount of parenting time appropriate to the age of the child. The Court offers suggested amounts of parenting time, but the amount can vary by agreement of both parents. Complete the Parenting Plan before you go to the judge for your final order.
 2. **Supervised or No Parenting time to the Non-Custodial Parent.** You may request supervised or no parenting time if the non-custodial parent cannot adequately care for the children or cannot do so without another person present. You may request this if the person not having custody abuses drugs or alcohol; is violent or abusive; or, does not have the parenting skills to care for a child without another adult present. Remember, supervised or no parenting time is not intended to punish the parent, but to protect the child. You must write in specifically why parenting time should be supervised or no parenting time allowed.
 3. **Supervised Parenting time:** Describe how you think this should work and who should pay for it.
 4. **No Parenting time to the Non-Custodial Parent.** You should mark this option only if the non-custodial parent has seriously harmed, abused, or otherwise is a serious danger to the child's physical and emotional health, or if there is a criminal Court Order stating there is to be no contact between the child and the non-custodial parent. This is a last resort to protect the child.
2. **CHILD SUPPORT:** Mark which party should pay child support. (Note: the box you mark should match what you asked for in the Petition).
3. **MEDICAL, DENTAL, VISION CARE INSURANCE AND HEALTH CARE EXPENSES:** Mark which party should be responsible for medical, dental, and vision care insurance and expenses.
4. **OTHER ORDERS:** Mark this box only if you have made other requests of the Court. If you mark the box, write the specific additional orders you are requesting the Court to make that were not covered elsewhere in your Petition.

OATH OR AFFIRMATION AND VERIFICATION:

Sign this form in front of a Clerk of the Court or a Notary Public. By doing so, you are telling the Court that everything contained in the Custody and/or Parenting time Complaint is true.

WHAT TO DO NEXT:

1. **COPIES OF RESPONSE:** After completing your "**Response**," make **two (2) copies** before you file.

2. **FILING THE RESPONSE AND PAYMENT OF COURT FEE:** File both copies and the original of your ***“Response”*** with the Clerk of the Court at any of the locations shown below. **Be sure you file within the time limit set, or you might lose significant rights.** There is a filing fee of **\$161.00**, but if you qualify you might be able to have the fees deferred so that you can make a payment arrangement with the Court. Forms to request deferral are available at the Self-Service Center or at the filing counter. You do **not** need to send a copy of the fee deferral request to the Petitioner or his/her attorney. Make sure you receive both copies back from the Clerk and they have been stamped.
3. **MAIL A COPY TO THE OTHER PARTY:** You need to mail or hand-deliver one copy to the other party. If the person is represented by an attorney, mail or hand-deliver the copy to the attorney whose name and address appears on the Petition in the upper right hand corner.
4. **If one of the parties is using the child support enforcement services of the Department of Economic Security (DES), this response must be sent to that office as well as the other party.** You may serve DES by mailing a copy of the ***Response*** to:
Attorney General, Child Support Enforcement, P. O. Box 6123, Site Code 775 C, Phoenix, AZ 85005.
5. **KEEP THE LAST COPY FOR YOUR RECORDS:** You should always keep a copy of any document that you file with this Court.

OTHER IMPORTANT PAPERS IN THIS PACKET:

Before you get an order from the Judge, you must complete the court papers on what you want the Judge to order about child custody and parenting time (visitation), and for child support. The court papers you need, with guidelines and/or instructions, are included in this packet. These court forms, and those prepared by the other party, are what the judge will use when it is time to sign the order about custody, parenting time, and support. You can complete the papers about custody/parenting time and support now, and serve or provide copies to the other party. Or, you can complete the papers before the final court hearing date. Family Court Clerk Services of the Clerk of the Court will help you with child support calculations for the Worksheet.